

McNamara Declaration

Exhibit 6

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DEVIN G. NUNES,

PLAINTIFF,

-against-

Case No.:
22-cv-1633
(PKC)

NBCUNIVERSAL MEDIA, LLC,

DEFENDANT.

DATE: February 8, 2024

TIME: 9:35 a.m.

- CONFIDENTIAL ATTORNEYS' EYES ONLY -

VIDEOTAPED DEPOSITION of DEVIN G.
NUNES, taken by counsel for the Defendant,
pursuant to the Federal Rules of Civil
Procedure, held at the offices of Davis
Wright Tremaine LLP, 1251 Avenue of the
Americas, New York, New York 10020, before
Roberta Caiola, a Shorthand Reporter and
Notary Public of the State of New York.

1 Devin G. Nunes

2 Q. You'll see paragraph 13,
3 there's the first bullet, it indicates
4 that: "Plaintiff did not accept a package
5 from Derkach. A package came to the House
6 Intelligence Committee. Plaintiff did not
7 sign for the package or handle it."

8 Do you see that?

9 A. Uh-hum.

10 Q. Is that correct?

11 A. That's correct.

12 Q. So that's an accurate
13 statement?

14 A. Um-hum.

15 MR. GREAVES: Say yes or no.

16 A. Oh, yes.

17 Q. And it goes on to say "the
18 truth is" -- wait, where I want to go to
19 is, turning the next page, page 10,
20 Mr. Nunes, please. Right before the image
21 of the letter.

22 A. Um-hum.

23 Q. It says: "In fact, on
24 December 11, 2019, Plaintiff advised the
25 Attorney General of the United States,

1 Devin G. Nunes

2 William P. Barr, and the Criminal Division
3 of the Department of Justice as follows:"

4 Do you see that?

5 A. Um-hum, yes.

6 Q. Is that correct, that occurred
7 on December 11, 2019?

8 A. Yes.

9 MS. McNAMARA: Let's drill down
10 on that letter a little bit and I
11 will have marked as the next exhibit,
12 24, the letter from -- to Mr. Barr.

13 (Exhibit 24, Letter dated
14 December 11, 2019 to General Barr
15 from Brian A. Benczkowski,
16 Bates-stamped PX 602, marked for
17 identification.)

18 Q. Mr. Nunes, have you seen this
19 letter before?

20 A. Yes.

21 Q. And is this your signature on
22 the letter?

23 A. Yes.

24 Q. And you sent this letter?

25 A. Yes.

1 Devin G. Nunes

2 Q. Did you have any -- did you
3 draft the letter?

4 A. Most likely I did or had at
5 least saw it before I signed it.

6 Q. Who would have helped you with
7 drafting it if you didn't draft the entire
8 thing?

9 A. I would assume it would have
10 been Mr. Langer.

11 Q. But you're not sure?

12 A. I'm not sure.

13 Q. But you reviewed and approved
14 the letter before it was sent?

15 A. Yes, that much I remember.

16 Q. Do you know how it was
17 transmitted to Attorney General Barr?

18 A. No, I don't know how it would
19 have been transmitted.

20 Q. Do you have -- are you aware if
21 there's any documentation verifying the
22 transmittal of the letter to Attorney
23 General Barr?

24 A. I would not know.

25 Q. Was anyone on HPSCI aware that

1 Devin G. Nunes

2 Q. Well, we agree this letter is
3 not classified; isn't that correct?

4 A. That's correct.

5 Q. And you put this letter or a
6 portion of this letter in the complaint
7 that you filed in this action; did you not?

8 A. That's correct.

9 Q. So I would understand that you
10 could testify about the letter; is that
11 right?

12 A. Look, I want to be as -- I
13 want -- I don't want to get in the middle
14 of any fight here between the House and you
15 guys, but I will try to do my best to
16 respect both sides of the argument.

17 Q. Thank you, and I appreciate
18 that.

19 So the question is whether
20 anyone on HPSCI was aware that you sent
21 this letter?

22 A. Look, it's been so long ago
23 that I would not know. I mean, I could go
24 through -- there's -- as I remember, we put
25 into the complaint all the pertinent

1 Devin G. Nunes
2 information, relevant information, about
3 what happened to, you know, the phony
4 package or however you want to describe it.

5 Q. Do you know whether
6 Representative Crawford was made aware that
7 you sent this letter?

8 A. I -- yeah, look, it's been long
9 ago. I can kind of -- I can tell you
10 generally what happened at the time, if
11 that would be helpful for you.

12 Q. Yes, it would please.

13 A. Okay. So when this -- I don't
14 even remember the date that it occurred,
15 but we were -- we were notified by -- it
16 seems like we were getting questions from
17 the media before -- we didn't even know who
18 Derkach was, we still don't, but we were
19 getting questioned by the media about a
20 package, that it became like a big kind of
21 fake news story that was going around that
22 numerous Republican congressmen and
23 senators were working with some guy named
24 Derkach.

25 So that's why we know there was

1 Devin G. Nunes

2 something afoot before, you know, before
3 the package ultimately ended up arriving.

4 Q. So let's drill down here, and
5 we'll go through the details just to make
6 sure we can flush out kind of the facts and
7 how they transpired.

8 A. Um-hum.

9 Q. You see in this letter, that it
10 says: "Today the House Intelligence
11 Committee received a package from foreign
12 individuals addressed to me."

13 Do you see that?

14 A. Yes.

15 Q. So based on this letter and
16 your pleadings, it's my understanding the
17 package was received on December 11, 2019?

18 A. I -- on or around that time,
19 yes.

20 Q. And the letter says the House
21 Intelligence Committee received the
22 package.

23 Is that how it was addressed?

24 A. I never saw it, but it would
25 have -- but I believe it came into the

1 Devin G. Nunes

2 A. Yes.

3 Q. What -- what was your basis for
4 that statement?

5 A. It was because we had been
6 hearing about this, you know, I can't
7 remember if it was a month before or two
8 months before, but it was like your typical
9 disinformation operation ran by, you know,
10 multiple bad actors, foreign and domestic.

11 Q. And did you know who the -- or
12 did you suspect who the multiple actors
13 were running this disinformation operation?

14 A. I mean, look, we -- dealing
15 with all the crazy Russia hoax stuff, it
16 was just kind of a continuation of that.

17 Q. But again, the question was do
18 you have -- did you have any knowledge or
19 suspicion as to who was participating in
20 this disinformation operation?

21 A. No, I mean that's why we gave
22 it to the FBI. That's why the letter was
23 sent.

24 Q. Had you received any packages
25 from Mr. Derkach before December 11, 2019?

February 08, 2024

1 Devin G. Nunes

2 A. I didn't know who Derkach was
3 then. I still don't know who it is now.

4 Q. So is the answer no?

5 A. Yes, sorry. That's what I
6 meant, no.

7 Q. Okay. Had you received any
8 other communications from Mr. Derkach
9 before December 11, 2019?

10 A. Like I said -- well, I'll just
11 answer no.

12 Q. Okay. That moves us along, I
13 appreciate that.

14 Did you receive any packages or
15 communications from Mr. Derkach after
16 December 11, 2019?

17 A. Not that I'm aware of.

18 Q. So this is the only
19 communication you ever received from
20 Mr. Derkach, to your knowledge; is that
21 right?

22 A. As far as I know, that's
23 correct.

24 Q. And when you were asked to
25 produce documents in this litigation, did

1 Devin G. Nunes

2 you review your phone to see whether you
3 had any communications from Mr. Derkach or
4 one of his proxies?

5 A. I mean, yes, I did. There were
6 none.

7 Q. Just to clarify. You were
8 never contacted by Mr. Derkach after you
9 received the package on December 11th; is
10 that right?

11 A. That's correct.

12 Q. Now your letter also says to
13 Mr. Barr that "I request a meeting with you
14 to discuss these concerns."

15 Do you see that?

16 A. Yes.

17 Q. Did you receive a response from
18 Mr. Barr concerning the letter?

19 A. As I recall, the -- we ended up
20 having a meeting sometime after -- after
21 this. I can't remember if it was --
22 probably within 60 days with
23 representatives from the FBI.

24 Q. And did someone from Mr. Barr's
25 office contact you to coordinate that

1 Devin G. Nunes

2 meeting in response to this letter?

3 A. I think -- look, I'm going to
4 say I think because I'm not for sure, but I
5 think they had just reached out direct.

6 Q. Who is they?

7 A. The FBI.

8 Q. And do you know who the FBI
9 reached out to?

10 A. There was a process in place,
11 like liaisons that coordinate all of that.

12 Q. Did the FBI reach out to you
13 personally or someone on your staff?

14 A. I don't think they -- I don't
15 think they reached out to me personally,
16 no.

17 Q. Do you know who they reached
18 out to?

19 A. No, but it would have been
20 probably my scheduler to put it on the
21 meeting.

22 Q. What about the -- the letter is
23 copied to Brian Benczkowski. Do you see
24 that?

25 A. Um-hum.

February 08, 2024

1 Devin G. Nunes

2 Q. He was the Assistant Attorney
3 General for the criminal division.

4 Had you had any contact with
5 Mr. Benczkowski before this time?

6 A. No, and I don't even know
7 who -- I don't recognize the name.

8 Q. Do you know why he was copied
9 on this letter if you don't recognize him?

10 A. He would have been -- because
11 we thought it was criminal activity, you
12 know, because this was -- this comes on the
13 heels of all the other fake information so,
14 you know, from my perspective at the time
15 and still today, this was just a continued
16 operation of smearing people, trying to tie
17 people to Russia.

18 Q. Do you agree that the letter
19 does not reflect that you enclosed the
20 package with the letter; is that right?

21 A. Yes.

22 Q. It's simply a notice that you
23 had received the package; is that correct?

24 A. Yes.

25 Q. And the letter provides no

February 08, 2024

1 Devin G. Nunes

2 information as to what if anything you or
3 your office did with the package; is that
4 right?

5 A. Yes.

6 Q. Have you -- you have produced
7 this letter in this action in support of
8 your allegations. Are you aware of any
9 other documentation that you have provided
10 that supports that you turned over the
11 package to the FBI or the Attorney General?

12 A. I mean there was -- there was
13 plenty of news articles out there, as I
14 recall. I think we provided to you the
15 appropriate staff that would have knowledge
16 of this.

17 Q. Which articles are you
18 referring to, Mr. Nunes?

19 A. I -- I don't remember them, I
20 just know that there were several.

21 Q. Okay, we'll get to some and see
22 if that refreshes your recollection.

23 A. Okay.

24 Q. Let's turn back to your
25 complaint in this action, the operative

1 Devin G. Nunes
2 didn't read it, I don't know if I have the
3 ability to read his deposition, but -- he
4 was the staff director at the time. I
5 don't think he went through mail either.

6 Q. As part of the protocol
7 identified in paragraph 13 of your
8 complaint, was the transmittal to the FBI
9 documented in some way?

10 A. I mean there would be a record
11 of the package at the FBI.

12 Q. But would there be any
13 documentation at HPSCI concerning the
14 receipt and transmittal of a package?

15 MR. TATELMAN: Objection as to
16 documents from HPSCI. Those would be
17 the Committee's documents, so we
18 would object to that.

19 MR. GREAVES: I would add that
20 if Mr. Nunes is aware of whether
21 that -- because I think it was a yes
22 or no question you asked, if he is
23 aware of the answer, I think he can
24 answer that question.

25 A. Can you ask the question again?

February 08, 2024

1 Devin G. Nunes

2 Q. Yes. Would you be aware if
3 there was any documentation at HPSCI
4 concerning the receipt and transmittal of a
5 package to the FBI?

6 A. Actually, I wouldn't be aware
7 that there would be any documentation at
8 HPSCI because I don't know how that -- but
9 there would be -- but there would for sure
10 be documentation of the FBI meeting with
11 us, plus I think we provided that on my
12 schedule so you know that that meeting
13 occurred.

14 Q. Do you know whether there's any
15 evidence to substantiate that the Derkach
16 package was actually delivered to the FBI
17 on December 11, 2019?

18 A. Well, sure there's evidence.

19 Q. What?

20 A. Because it was handed off to
21 the FBI.

22 Q. But what is the evidence that
23 substantiates that?

24 A. The evidence is that I sent a
25 letter requesting a meeting in regards to

February 08, 2024

1 Devin G. Nunes

2 the package. The evidence of, you know, my
3 testimony, I think numerous other people's
4 testimony that it was turned over to the
5 FBI. I don't know what more you need.

6 Q. We don't have anybody else's
7 testimony that it was turned over to the
8 FBI.

9 A. Okay.

10 Q. So that's why I'm asking you.

11 A. Okay.

12 Q. You're the last man standing on
13 this point.

14 A. Okay. I don't think that's
15 ever been in question, but...

16 Q. Okay.

17 A. I mean, I think that there's --
18 so what is it? The staff cannot -- the
19 staff that handed off the package to the
20 FBI?

21 Q. We haven't deposed -- in
22 fairness, we haven't deposed Mr. Ciarlante
23 yet and he seems to be the critical player.
24 There have been objections from the counsel
25 for the Committee and the counsel has not

1 Devin G. Nunes
2 allowed other people, whether it be
3 Mr. Langer or Mr. Pappas, to answer
4 questions concerning their knowledge about
5 the package and transmittal of a package,
6 so we don't have those answers. So that's
7 what I'm referencing.

8 A. Well, I don't want to play
9 lawyer here or negotiator, but it seems to
10 me like if that's really what you're
11 looking for, we should be able to
12 accommodate in some way, we can look to get
13 an accommodation to confirm to you, if
14 that's what you're really after.

15 Q. Well, we would appreciate it
16 because it is the central issue in this
17 litigation, and there's no evidence in the
18 record that this package was transmitted,
19 other than your representation and the
20 allegation.

21 MR. GREAVES: Objection to
22 form.

23 A. Well, I'm going to state for
24 the record there's plenty of evidence, but
25 I understand your position.

1 Devin G. Nunes

2 Q. Okay.

3 A. Because sometimes you would
4 take meetings, you know, it could be in
5 your office, it could be -- but sometimes
6 it could say office, so you might -- it
7 might be off the floor, but I remember that
8 specific meeting being in my office.

9 Q. If the meeting was going to
10 concern classified information, would it be
11 held in your office?

12 A. No. Well, to -- I'm not going
13 to get into that, yeah, because I don't
14 want to.

15 Q. Well --

16 A. You can go up to -- and Todd
17 can stop me if I'm saying anything that's
18 inappropriate -- but you can go up to
19 certain levels depending on the topic,
20 which sometimes it's easier to do those,
21 that's why you would do meetings on the
22 outside.

23 Q. If you wanted to have a meeting
24 that was discussing classified information
25 at a certain level, you would have it in a

1 Devin G. Nunes

2 SCIF?

3 A. Correct.

4 Q. Did you have an understanding
5 as to whether the Derkach package was
6 considered to be classified?

7 A. I wouldn't, I don't know.

8 Q. So you can't say one way or the
9 other?

10 A. No. Well, it wouldn't be
11 class -- I mean -- I don't know what -- I
12 don't know if there's an investigation
13 going, I don't know if they dropped it, I
14 don't know, you know, I have no idea.
15 There could be -- it could be classified if
16 there's some investigation going, or maybe
17 there's not, maybe they didn't do anything
18 about it. I don't know, I never heard.

19 Q. But you didn't understand that
20 the fact that you received the Derkach
21 package was classified information?

22 A. Well, it was publicly
23 transmitted out there, so I think --
24 whether or not the package ever arrived is,
25 you know, I mean that was out there before

February 08, 2024

1 Devin G. Nunes

2 it arrived. And then it arrived, but like
3 all other packages, it would have been sent
4 to the appropriate authorities.

5 Q. And wouldn't you want to know
6 whether it was classified or the level of
7 classification, if it was classified,
8 before you held a meeting in your office?

9 A. No. Well, I don't want to --
10 we can go on and on talking. I have to put
11 my old hat on here if you want to go --
12 really get into that.

13 Q. I'm trying to understand --

14 MR. GREAVES: I'm going to
15 object to the relevance, but go ahead
16 and ask your question.

17 MS. McNAMARA: It goes to kind
18 of what could be testified to and
19 what can't be, that's why we're
20 trying to nail it down.

21 A. Well, something would not be
22 classified if -- it's packages that are
23 being sent from wherever they're being sent
24 from, would not be classified.

25 Q. Do you know who the initial --

1 Devin G. Nunes

2 I'm sorry?

3 A. Because I don't know if this
4 guy is Russian or Ukrainian, I don't even
5 know. He doesn't get the ability to decide
6 if something's classified or not under the
7 U.S. standards.

8 Q. And do you know who the
9 initials AS stands for?

10 A. Maybe it's Alan Souza. That's
11 the only AS I can think of.

12 Q. Who's Alan Souza?

13 A. He was -- no, it can't be Alan
14 Souza because he wasn't working for me at
15 that time.

16 Q. He became married to
17 Ms. Morrow; is that right?

18 A. No, to Jillian.

19 Q. To Jillian Plank?

20 A. Yeah, but he wasn't working for
21 me at that time. So I don't know who it
22 would be. And just because initials are on
23 there doesn't mean he would be in the
24 meeting.

25 Q. Why would that be?

1 Devin G. Nunes

2 Q. Now you previously testified
3 that you did not receive any further
4 communications in Mr. Derkach, was that
5 false?

6 A. Nice try.

7 Q. I'm asking.

8 A. No, come on.

9 Q. I'm asking.

10 A. I don't know. I told you I
11 don't know if there was or not. I mean, I
12 wouldn't even know, as these packages come
13 in all the time.

14 Q. So --

15 A. You're accusing me of --

16 Q. I'm not accusing you of
17 anything, Mr. Nunes. I'm trying to
18 establish the facts.

19 This FBI 302 does not reflect
20 anything about a December 11th package,
21 does it?

22 A. I don't know, I would have
23 to --

24 Q. Do you want to look at it and
25 see whether it reflects that you received a

February 08, 2024

1 Devin G. Nunes

2 package on December 11, 2019?

3 MR. GREAVES: Object. The

4 document speaks for itself.

5 Go ahead and answer.

6 A. Yeah, I don't know.

7 Q. Well, look at it and tell me

8 whether you see it.

9 A. I don't know what this

10 document's referring to. I don't know what

11 these packages are, they could have been

12 different packages. It looked to me like,

13 at first glance, this is trying to

14 coordinate a meeting for me to meet with --

15 to meet with -- for the meeting that took

16 place a few days later is what it looked

17 like on the face of it.

18 Q. Do you recall, now that you've

19 seen this FBI 302, do you recall that there

20 was a second package received by you from

21 Mr. Derkach?

22 A. No, I do not.

23 Q. Do you have any knowledge as to

24 what was in that package?

25 A. There may or may not be a

1 Devin G. Nunes

2 package from Derkach. I don't know what
3 the package is. You're making assumptions
4 here.

5 Q. Well, I'm only reading the
6 document, as your lawyer instructed me that
7 the document speaks for itself, and it
8 indicates that -- that Mr. Ciarlante was
9 advising that Representative Devin Nunes
10 received additional records via mail
11 reflecting a cover letter dated 12-17-2019
12 from Andrii Derkach, a member of the
13 Parliament of Ukrainian, to Nunes, and
14 included are five categories of documents
15 listed below, and then it's blanked out.

16 MR. GREAVES: Objection to
17 form.

18 Is there a question?

19 Q. Yes. The question is
20 Mr. Nunes, does this refresh your
21 recollection that there was a different
22 package received from Mr. Derkach with a
23 cover letter dated December 17, 2019, that
24 was addressed to you?

25 MR. GREAVES: Objection to

1 Devin G. Nunes

2 MR. GREAVES: Objection. The
3 document speaks for itself and calls
4 for speculation.

5 Q. Do you have any reason to
6 dispute that, Mr. Nunes?

7 A. I don't know if this is
8 accurate or not accurate. I know this is
9 something that the FBI had.

10 Q. Sitting here today do you have
11 any basis to dispute the accuracy of the
12 information reflected in the FBI 302?

13 A. Look, I'd have to look at all
14 the information here on this, but I can
15 tell you that what's in the complaint, the
16 gist of it is is that we are not -- we did
17 not open and inspect anything to do with
18 Derkach, and we never would.

19 Q. So the House --

20 A. I mean you might accidentally
21 open up something and then -- but I -- I
22 think that would be few and far between,
23 because stuff gets -- the other thing is is
24 that stuff gets scanned, it doesn't just
25 come in.

February 08, 2024

1 Devin G. Nunes

2 Q. And --

3 A. So it --

4 Q. I'm sorry.

5 A. Which by the way, and I don't
6 want to get into all of this, but since
7 you're making accusations that you say that
8 I was inaccurate, what this could be
9 referring to is these go through a process.
10 So like I don't think I ever got anything
11 to me that had not been opened by someone,
12 but it's not the Committee, it never
13 entered the Committee, none of us ever saw
14 it.

15 Q. Okay, Mr. Nunes --

16 A. Do you under --

17 Q. I'm sorry.

18 A. I just want to make sure you
19 understand.

20 Q. I hear you, I hear you, I
21 understand.

22 And so what I'm trying to -- my
23 last question before we take a break to
24 have some food is what evidence, if any, do
25 you have that the package that was received

1 Devin G. Nunes

2 on December 11, 2019, as reflected in your
3 letter to AG Barr, that that package was
4 turned over to the FBI?

5 MR. GREAVES: Objection; asked
6 and answered.

7 Q. What evidence do you have?

8 MR. GREAVES: You can answer.

9 A. We have answered it over and
10 over again. The package was turned over to
11 the FBI.

12 Q. And that's your testimony?

13 A. It's my testimony that it was
14 turned over to the FBI. The letter was
15 sent to the FBI -- I mean to the DOJ, and
16 numerous people all knew that it was turned
17 over to the FBI. I don't know why you're
18 making -- it seems like we spent three
19 hours on this.

20 Q. Well, because it's important.
21 We're being sued for hundreds of millions
22 of dollars, according to your complaint, on
23 this particular issue, and so we do take it
24 seriously and that's why we're spending
25 time on it. I'm sorry, we don't want to be

1 Devin G. Nunes

2 here anymore than you.

3 I can represent to you,

4 Mr. Nunes, that I spoke to Attorney General

5 Barr. He has no recollection of receiving

6 this letter.

7 Does that surprise you?

8 A. No.

9 Q. Why?

10 A. Because just like me, I don't

11 have recollection going back that far

12 anyway.

13 MS. McNAMARA: Why don't we

14 take a break for lunch.

15 How much time do you think you

16 guys need?

17 MR. GREAVES: Let's do 30

18 minutes, if that's okay with the

19 court reporter.

20 MS. McNAMARA: Okay.

21 THE VIDEOGRAPHER: We're off

22 the record. The time is 12:46.

23 (Lunch recess taken.)

24 THE VIDEOGRAPHER: We're back

25 on the record. The time is 1:26.

1 Devin G. Nunes

2 A. But that's my point to you is
3 this is how disinformation ops are run.

4 Q. Do you know --

5 A. And this is a known guy that
6 would always run the -- they will always
7 run these. He would be one of the lead
8 guys they would go to.

9 Q. But this wouldn't have
10 supported your conclusion that the package
11 you received from Mr. Derkach in December
12 of 2019 was a disinformation op, would it?

13 A. Well, this proves that it's a
14 disinformation op because you have the
15 Democrats using it in order to run a
16 disinformation campaign.

17 Q. And it's seven months later, is
18 it not, after you received the package. So
19 you wouldn't have known this at the time
20 that you received the package in
21 December 2019, did you?

22 A. No, but I'm saying -- no, I
23 would not have, obviously. It's just very
24 telling.

25 Q. Did you or Mr. Langer provide a

February 08, 2024

1 Devin G. Nunes

2 response to Mr. Cheney about the reporting

3 he was seeking comment on?

4 A. I don't acknowledge Cheney. I
5 don't even know where he's working anymore.

6 Q. So is the answer no, you did
7 not provide a response to Mr. Cheney?

8 A. No.

9 Q. No, you did not?

10 A. No, I did not.

11 Q. Without responding to Politico,
12 it couldn't reflect that you denied the
13 allegations concerning receipt of the
14 package and whether you turned it over to
15 the FBI or not, did you?

16 A. We don't speak -- I don't speak
17 to any of the fake news.

18 Q. And you considered Politico
19 part of the fake news; isn't that right?

20 A. Yes, especially this guy.

21 Q. Did you consider MSNBC to be
22 part of the fake news?

23 A. Yeah, I had very little
24 dealings with them, but Rachel Maddow for
25 sure.

1 Devin G. Nunes

2 Q. Was part of the fake news?

3 A. Yes.

4 Q. As consistent with your policy,
5 you wouldn't respond to comments from
6 Rachel?

7 A. I'm talking about myself
8 personally. It doesn't mean that there
9 wouldn't be a spokesman or somebody like
10 that that would respond. We would respond
11 if it was, you know -- what little times
12 they were relevant, we would respond.

13 Q. Mr. Langer testified that he
14 would never respond, consistent with your
15 policy, to the mainstream media, including
16 MSNBC, was he wrong?

17 MR. GREAVES: Objection to
18 form.

19 A. I don't think Mr. Langer would
20 have said that he never -- I never respond.
21 I don't think there's anything out there
22 that I never -- I don't acknowledge
23 questions from them.

24 But it wouldn't mean that
25 another member or somebody, a spokesman for

1 Devin G. Nunes

2 the Committee, or something along those
3 lines. I know we've done some responses.

4 Q. Can you identify for me any
5 response that you have provided to The
6 Rachel Maddow Show in 2020 or 2021?

7 A. I don't know that we've ever
8 even been reached out to by The Rachel
9 Maddow Show.

10 Q. Can you give me any example,
11 assuming that you were reached out to, can
12 you give me any example that you or your
13 representative provided a comment to MSNBC,
14 including The Rachel Maddow Show?

15 A. If we would have been reached
16 out to by MSNBC, we would have had the
17 email, if it was via email.

18 Q. I'm asking -- I'm not asking
19 specific to the segment, Mr. Nunes, with
20 this question. I'm asking if during the
21 period of time of 2020 and 2021, whether
22 you can identify for me any example where
23 you responded to a question from The Rachel
24 Maddow Show, you or your representative?

25 A. No, I'm not aware there ever

February 08, 2024

1 Devin G. Nunes

2 requests for comment?

3 A. Yeah, I'm not going to
4 acknowledge. Natasha Bertrand and Kyle
5 Cheney, these are well-known propaganda.
6 So anything that's in here, I'm not going
7 to acknowledge.

8 Q. So the answer would be in that
9 circumstance, Politico was reporting
10 accurate information that both you and
11 Mulvaney declined repeated requests for
12 comment?

13 A. Nothing that Politico does is
14 accurate in my opinion. So I would not
15 take anything that's written there,
16 specially by these characters.

17 Q. You've just testified that you
18 did not provide comment to Politico; isn't
19 that right?

20 A. This has nothing to do with
21 Politico. I never respond to fake news,
22 ever.

23 Q. Or Langer, Mr. Langer?

24 A. No, Langer could potentially.
25 Not very often, but he could have at times.

February 08, 2024

1 Devin G. Nunes

2 Q. As you sit here today, do you
3 have any reason to believe that Mr. Langer
4 responded to the questions raised by
5 Mr. Cheney?

6 A. We would never -- we would
7 never respond to Cheney.

8 Q. So it was accurate for the
9 article to report that you declined a
10 request for comment; isn't that right?

11 MR. GREAVES: Objection to
12 form.

13 A. I already answered the
14 question.

15 Q. Well, what's the answer?

16 A. The answer is that Politico is
17 a disinformation operation and these are
18 lunatics.

19 Q. I understand that you believe
20 they are a disinformation operation and
21 that these are lunatics, I get that.

22 I'm trying to establish whether
23 it was accurate for them to report that you
24 refused to comment?

25 A. Sorry, I'll let you finish.

1 Devin G. Nunes

2 We would never respond. They
3 know we're never going to respond. It's
4 clear in the text message that was provided
5 there that this is an operation to get a
6 headline exactly like this one.

7 Q. The article reports that the
8 information -- it reports the packets were
9 sent to pressure Ukraine -- strike that.

10 It says: "The packets were
11 sent in a Democratic push to impeach Trump
12 over his effort to pressure Ukraine's
13 president to investigate Biden and his son
14 Hunter, the sources said. This is after
15 identifying in the second paragraph that
16 the packets were sent late last year to
17 representative Devin Nunes, Senators
18 Lindsey Graham and Chuck Grassley."

19 Do you see that?

20 A. I'll trust you, you're reading
21 it to me, but if you want me to look at it.

22 Q. Then it says: "One person
23 familiar with the matter, so the
24 information was not turned over to the
25 FBI."

1 Devin G. Nunes

2 Do you recall whether that that
3 was reported by Politico?

4 A. Once again, Politico was not a
5 credible news operation.

6 Q. After this article was
7 published, did you ask Politico to correct
8 the article concerning its contention that
9 you never turned the package over to the
10 FBI?

11 A. I wouldn't have known much
12 about this other than, like I said, seeing
13 the headline, knowing that it's the same
14 old -- same old op. And this was part of a
15 big op if you look back on the dates, you
16 know. I mean they're bringing this up,
17 they're sending letters, Democrat letters
18 signed by all the leaders.

19 Q. So is the answer no, that you
20 never asked Politico to correct this
21 information?

22 A. The answer is I wouldn't even
23 know who to talk to at Politico because I
24 don't talk to them, and they know that.

25 Q. Mr. Langer would presumably

February 08, 2024

1 Devin G. Nunes

2 know who to speak to? Did you --

3 A. I doubt -- sorry.

4 Q. Did you know whether Mr. Langer
5 ever asked Politico to correct this
6 contention that it published on July 23,
7 2020, that you never turned the package
8 over to the FBI?

9 A. I believe that our position
10 with Politico was that they had so many
11 fake news stories, that until they pulled
12 down those fake news stories, we weren't
13 acknowledging them as a news agency.

14 Q. So you never asked them to
15 correct this information; isn't that
16 correct?

17 A. I wouldn't --

18 Q. Yes?

19 A. I wouldn't ask. If they're not
20 a news agency, then there would be no
21 reason for me to ask.

22 Q. Okay. Did you ever sue
23 Politico over the publication that you have
24 failed to turn the package over to the FBI?

25 A. No, I don't think so, but it

1 Devin G. Nunes
2 lawmaker who met with Trump's personal
3 lawyer Rudy Giuliani in Kyiv last December
4 to discuss investigating the Biden family."

5 So the packets that are being
6 referred to in paragraph 2, they're
7 presumably the same packet that you contend
8 was received on December 11th from
9 Mr. Derkach, and the Politico article is
10 reporting that that information was not
11 turned over to the FBI.

12 That's all I'm trying to say is
13 that did you --

14 A. I --

15 MR. GREAVES: Just wait for a
16 question.

17 Q. Did you sue Politico over that
18 contention?

19 MR. GREAVES: Objection to
20 form, but you can answer the
21 question. It's a yes-or-no question,
22 you can answer it.

23 A. I'm going to -- what I'm saying
24 here is I don't -- I'm not reading what
25 you're -- what you're reading. You're

1 Devin G. Nunes

2 asking me if I sued over, what would I sue
3 over? I mean, I guess the headline.

4 Q. Did you sue Politico in any way
5 for any reason over this article?

6 A. Not that I'm aware of, or no,
7 no, I did not.

8 Q. And you previously indicated
9 that you would not find Politico ever to be
10 credible; is that right?

11 A. That's correct.

12 Q. What news organizations do you
13 believe are credible, if any?

14 A. I don't know. I think there's
15 journalists that do a good job that are out
16 there.

17 Q. Can you name journalists
18 associated with any news organization?

19 A. You really want -- you're
20 asking me that question, that's relevant
21 for what you need?

22 Q. Yes.

23 A. Explain, why do you need it?

24 MR. GREAVES: Just answer the
25 question.

1 Devin G. Nunes

2 A. Well, I'm just trying to...

3 Q. Well, it's clearly relevant as
4 to kind of your communications with the
5 media and your refusal to comment to
6 certain news organizations.

7 I'm entitled to ask the
8 questions, Mr. Nunes. You need to answer
9 my question. Unless your attorney
10 instructs you not to answer the question,
11 you need to answer the question.

12 A. Okay.

13 Q. So can you name any credible
14 news organizations that you believe to be
15 credible?

16 A. Yeah. I mean off the top of my
17 head, I would say that I find that Just the
18 News is a good website, Breitbart generally
19 is a good website, the Federalist. There
20 are some smaller ones, but yeah. I would
21 have to think more about it.

22 Q. Would you put Rachel Maddow in
23 the bucket of credible news organizations
24 or news reports?

25 A. No, I do not.

1 Devin G. Nunes

2 is exactly what I've been saying to you
3 this entire day here, and it still holds
4 true to today.

5 What we were investigating and
6 the reason that we were looking at all of
7 this is because the Democrats were involved
8 in a disinformation operation, and they
9 were bringing people involved in it. That
10 quote is still -- still accurate.

11 Q. It was a simple question,
12 Mr. Nunes. My question is did you tell
13 Breitbart News that you turned the package
14 over to the FBI?

15 A. I have no idea. I mean, I
16 doubt that I would get into Committee
17 business.

18 Q. Okay.

19 A. So I doubt that I told them,
20 because I don't think that we would -- plus
21 this is like six or seven months later.

22 Q. So the article does not reflect
23 that you told them that you turned the
24 package over to the FBI. Do you have any
25 reason to believe that you in fact told

February 08, 2024

1 Devin G. Nunes

2 them?

3 A. I would think that I would not

4 have told them.

5 Q. Okay.

6 A. But it was a long time ago.

7 Q. Why didn't you clear it up that
8 since this was a question that was being
9 reported on by multiple news organizations
10 at the time, why didn't you try to clear
11 the air and explain that you did indeed
12 turn this package over to the FBI?

13 A. Clear the air on what?

14 Q. On whether you turned the
15 package over to the FBI.

16 A. That's the only one that's --
17 because it's a made up story.

18 Q. Well, it's not made up. You
19 did receive a package from Mr. Derkach --

20 A. It's a -- it's a --

21 Q. -- did you not?

22 A. Sorry, I won't talk over you.

23 Q. You did receive a package from
24 Mr. Derkach, did you not?

25 A. It's a made up story that we

1 Devin G. Nunes

2 did not turn it over to the FBI.

3 Q. And I'm asking you why didn't
4 you try to clear the air and explain --

5 A. You're saying -- I'm not aware
6 of any air that needs to be cleared at the
7 time because you have -- they're
8 spinning -- they're spinning stories and
9 you can't just -- you know, our experience
10 is you can't just clear the air. There's
11 no clearing the air. We tried to clear the
12 air by suing your client, but they don't
13 want -- they don't want to clear the air.

14 Q. So you were asked about it in
15 the Committee hearing by Mr. Maloney and
16 you didn't answer it then?

17 A. No, no, no. Back up again.
18 That's not how the process works.

19 Members of Congress do not --
20 are not witnesses. So Maloney could ask me
21 whether or not I like being in New York
22 City, I don't know, he could have asked me
23 anything, but you're not going to respond
24 to him. In a business meeting you're not
25 going to have that type of activity.

1 Devin G. Nunes

2 A. Um-hum.

3 Q. And you left Congress as of
4 January 1, 2022; is that right?

5 A. That's correct.

6 Q. And you moved to TMTG; is that
7 correct?

8 A. Yes.

9 Q. And your position is CEO?

10 A. Yes.

11 Q. And what do your
12 responsibilities involve as CEO of TMTG?

13 A. Well, we're just a small little
14 R&D, research and development company.
15 We're building out infrastructure that is
16 uncancelable, and where we don't have to
17 rely on anyone for that infrastructure.

18 Q. What do you mean uncancelable?

19 A. Meaning that we don't rely on,
20 like, your typical big tech companies like,
21 say, an Amazon or Microsoft, people like
22 that.

23 Q. So you're building the
24 structure yourself?

25 A. Yes.

1 Devin G. Nunes

2 BY MS. McNAMARA:

3 Q. Mr. Nunes, when were you first
4 assigned to the House Permanent Select
5 Committee on Intelligence, do you know?

6 A. 2011.

7 Q. And who was it that assigned
8 you to HPSCI?

9 A. Ultimately it's the Republican
10 conference.

11 Q. Is that Representative Boehner
12 at the time?

13 A. Well, he makes selection, but
14 then you're approved by the -- by the whole
15 Congress.

16 Q. And did you obtain a security
17 clearance once you were assigned to HPSCI?

18 A. No, you -- members are -- have
19 security clearances based on their
20 position.

21 Q. So you already had one?

22 A. Well, when you're elected you
23 have a security clearance.

24 Q. Did you obtain any higher
25 status of security clearance once you were

February 08, 2024

1 Devin G. Nunes

2 assigned to HPSCI?

3 A. You -- I think you sign, if I
4 recall right, you sign an additional
5 document.

6 Q. Do you recall whether you did
7 that?

8 A. I think you had to do it
9 every -- like at the beginning of every
10 Congress.

11 Q. And you became chairman of the
12 Committee in 2014; is that right?

13 A. 20 -- yeah, I took over -- I
14 think it was decided in '14, but then I
15 took over in '15.

16 Q. How did your responsibilities
17 change, if at all, once you became
18 chairman?

19 A. Well, you're then in charge of
20 the Committee.

21 Q. And what does that involve?

22 A. The budget, the security, the
23 agenda.

24 Q. The Russian investigation arose
25 during your tenure as chair of the HPSCI;

1 Devin G. Nunes

2 February 2, 2018 from Don McGahn to
3 The Honorable Devin Nunes, marked for
4 identification.)

5 Q. Do you see that this -- this is
6 a memo that was attached to Mr. McGahn's
7 letter to you that's dated January 18,
8 2018. Do you see that?

9 A. Okay.

10 Q. It's from the HPSCI Majority
11 Staff to the HPSCI Majority Members. At
12 this time you were on the majority, were
13 you not?

14 A. Yes.

15 Q. And so this would have been a
16 memo to you because you were part of the
17 majority members?

18 A. Yes.

19 Q. Do you see in the first
20 paragraph that it says, amongst other
21 things, that: "Our findings, which are
22 detailed below, 1) raise concerns with the
23 legitimacy and legality of certain DOJ and
24 FBI interactions with the Foreign
25 Intelligence Surveillance Court, and 2)

1 Devin G. Nunes

2 represent a troubling breakdown of legal
3 processes established to protect the
4 American people from abuses related to the
5 FISA process."

6 Do you see that?

7 A. Yep.

8 Q. Was it -- was it a conclusion
9 of yours that you had serious concerns
10 about the trustworthiness of the DOJ and
11 the FBI?

12 A. Well, yes, we were
13 investigating them.

14 Q. And is it fair to say that you
15 thought, and I think you stated publicly,
16 that at least some members of the FBI were
17 corrupt?

18 A. Yes, very much so.

19 Q. I believe you stated publicly
20 that they were dirty?

21 A. That's correct.

22 Q. And I believe you stated
23 publicly at various times that they were
24 part of the deep state; is that correct?

25 A. You can call it whatever you

1 Devin G. Nunes

2 want to call it, but that's one of the
3 terms.

4 Q. So beginning around this time
5 with your investigation in 2018, you had
6 serious distrust of the FBI; isn't that
7 right?

8 A. I mean I still have distrust of
9 the FBI.

10 Q. I'm going to turn to this
11 lawsuit, back to this lawsuit, Mr. Nunes.
12 I believe we've touched on this a number of
13 times, but it's accurate that you have
14 filed a number of defamation suits against
15 various entities, including media
16 organizations; is that right?

17 A. Yes.

18 Q. And many of them precede this
19 litigation that you filed in August of
20 2021; is that right?

21 A. Yes.

22 Q. You started suing pretty
23 regularly in 2019 maybe?

24 A. I think that's accurate.

25 Q. One of your first lawsuits was

1 Devin G. Nunes

2 a lawsuit against Twitter, including the
3 Devin Nunes' Mom and the Devin Nunes' Cow
4 account?

5 A. That's inaccurate.

6 Q. That's inaccurate?

7 A. Yeah.

8 Q. Why? How is that inaccurate?

9 A. Because what we were suing, as
10 I recall, it was Twitter and McClatchy.

11 Q. Okay. But you were suing
12 concerning Twitter's accounts, Devin Nunes'
13 Mom and Devin Nunes' Cow; isn't that right?

14 A. No, that is a fabrication.

15 Q. Let me show you what we can
16 have marked as Defendant's Exhibit 41,
17 which is a copy of the complaint you filed
18 against Twitter.

19 (Exhibit 41, Complaint, marked
20 for identification.)

21 Q. Mr. Nunes, does this appear to
22 be an accurate copy of the complaint that
23 you filed against Twitter, Inc., Elizabeth
24 "Liz" Mair, including Devin Nunes' Mom and
25 Devin Nunes' Cow?

1 Devin G. Nunes

2 A. It continues to, yeah.

3 Q. And it was destroyed to the
4 tune of your alleged damages which are
5 hundreds of millions of dollars.

6 A. As I understand, ultimately
7 that's up to a jury to decide.

8 Q. But this is what you believed,
9 this is what you represented; isn't that
10 right?

11 A. Yes.

12 Q. Now in December 2019 you also
13 filed a lawsuit against CNN. Do you recall
14 that?

15 A. Yes.

16 Q. And do you recall what that
17 lawsuit concerned?

18 A. That's the one I had mentioned
19 earlier that I was meeting with Russians in
20 Vienna or something.

21 Q. Right, the Viktor Shokin
22 lawsuit?

23 A. I don't know.

24 Q. There's a nice picture of I
25 think Parnas in the lawsuit.

February 08, 2024

1 Devin G. Nunes

2 A. Okay.

3 Q. Did you know Mr. Parnas?

4 A. No.

5 Q. You never met Mr. Parnas even
6 though Mr. Harvey had regular contact with
7 him?

8 MR. GREAVES: Objection to
9 form.

10 A. Yeah, that's -- Mr. Harvey did
11 not have regular contact with Mr. Parnas.

12 Q. Okay. Well, I'll get it out
13 after a break, but I can show you that he
14 did.

15 A. We're going until 5, right?

16 MR. GREAVES: How are we doing
17 on time?

18 MS. McNAMARA: We have a little
19 ways to go. If you want to take a
20 little break, though --

21 MR. GREAVES: I mean how much
22 time do we have left?

23 THE VIDEOGRAPHER: I have 5:28.

24 MS. McNAMARA: We have five
25 hours and 28 minutes. So it's five

1 Devin G. Nunes

2 and a half hours you're on the
3 record.

4 THE WITNESS: Well, I'm not
5 going to stop because I have things
6 to do.

7 MS. McNAMARA: You're not going
8 to stop?

9 THE WITNESS: I mean keep
10 going, the clock's on.

11 MS. McNAMARA: Okay, okay.

12 BY MS. McNAMARA:

13 Q. In the lawsuit that you filed
14 against CNN you claimed \$435 million in
15 damages, actual damages. Do you recall
16 that?

17 A. I don't recall the number.

18 Q. Does that sound right to you?

19 A. Sure.

20 Q. And you also claimed \$350,000
21 in punitive damages. Do you recall that?

22 A. No.

23 Q. Does that sound right to you?

24 A. If you say so.

25 Q. And you also sued the

1 Devin G. Nunes

2 C E R T I F I C A T E

3

4 STATE OF NEW YORK)

5 : ss

6 COUNTY OF BRONX)

7

8 I, ROBERTA CAIOLA, a Certified
9 Shorthand Reporter, do hereby certify:

10 That DEVIN G. NUNES, the witness
11 whose deposition is hereinbefore set forth,
12 was duly sworn by me and that such
13 deposition is a true record of the
14 testimony given by the witness.

15 I further certify that I am not
16 related to any of the parties to this
17 action by blood or marriage, and that I am
18 in no way interested in the outcome of this
19 matter.

20 IN WITNESS WHEREOF, I have hereunto
21 set my hand on February 19, 2024

22

23

Roberta Caiola

24

ROBERTA CAIOLA

25